

Oral Testimony
Rebecca Lent, Deputy Assistant Administrator for Fisheries
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Thank you, Mr. Chairman and members of the Committee. I am Rebecca Lent, Deputy Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration. I am pleased to be here to discuss with you NMFS views regarding H.R. 2829 and H.R. 3705--two bills that would amend the Endangered Species Act.

Dr. Hogarth requested that I reiterate NMFS' commitment to improving the quality and quantity of data used to develop science-based decisions, and specifically, to help ensure a quick and thorough review of Bureau of Reclamation's biological assessment for the Klamath Basin. A draft opinion is being developed, and we hope to quickly turn it around to allow water to be delivered for Klamath farmers in the next few weeks.

NMFS supports efforts to improve the quality of science used to

implement the ESA. Our goal is to ensure that federal policy decisions are based on the best scientific and commercial data available. We are working closely with the U.S. Fish and Wildlife Service (FWS) to identify areas where we can improve federal implementation of the ESA administratively. We also appreciate efforts by Congress and members of this Committee to make ESA decisions more science-based and more focused on recovering listed species.

NMFS and FWS implemented standards in 1994 to provide better direction for information used in science-based decisions. These standards call on biologists to evaluate all scientific and commercial information to ensure it is reliable, credible, impartial, and that it represents the best available. As we know, data and science evolve. We know more than we did ten years ago when species were listed, but we still need to know much more.

The standards also require recommendations regarding ESA-

listing, delisting, biological opinions, and jeopardy decisions to be based on primary and original sources, and be reviewed at management-level to verify the quality of the science used.

Under current policies, NMFS considers information received during the public comment period from local, state and federal agencies, tribal governments, academic and scientific groups and other parties. The opinions of independent peer reviews are summarized in the final opinion and included in the administrative record. Peer reviewers are selected from the academic and scientific community, tribal, federal and state agencies and the private sector. They must have demonstrated expertise and specialized knowledge related to the scientific area being considered.

Some of NMFS policies and practices are reflected in H.R. 2829-- the "Sound Science for Endangered Species Planning Act." As the legislation calls for, NMFS obtains data from landowners or other parties during the listing process or while preparing a recovery plan,

"peer reviews" listing determinations and recovery plans, and utilizes information from states in recovery plans. We appreciate the approach of the legislation to further these important policies.

However, we are concerned that some of the bill's requirements could make it more difficult for NMFS to meet its statutory deadlines required by ESA. We welcome the opportunity to work for meaningful reforms to make the process more efficient, while maintaining our ability to meet statutory deadlines for completing opinions and legal requirements.

NMFS is concerned that some provisions in H.R. 3705--the "Sound Science Saves Species Act" could delay economic and other activities that require a biological opinion. Allowing third party requests for independent scientific review could extend the consultation to 285 days--more than double the amount of time to complete consultations. More time would not necessarily improve the scientific review, but could limit the flexibility and authority of the Secretary to expedite the

processing of biological opinions for urgent activities.

While we have concerns with these bills, Mr. Chairman, we also believe we must continue to ensure that all ESA decisions NMFS makes are based on the best scientific and commercial information and data available. We must also seek to improve the quantity and quality of data available--and that science is peer reviewed. We look forward to working with Congress and our partners at the FWS to see that these goals are achieved to meet the goals of ESA in a common sense and productive fashion.

Thank you, Mr. Chairman. I would be glad to answer any questions.